

CASES AND QUERIES

ABSOLUTION AND ABORTION

1. *I seem to have heard that ALL the privileges granted to the Regular priests were abolished by the Holy See. I do not know how or when, since I do not have the information at hand. Will you enlighten me on this matter?*

We must admit that we have less information than the inquirer, for we never heard nor read about any such abolition or abrogation of the privileges of the Regular. The Ecumenical Council has not abrogated them. And we do not know of any document from the Holy See which abrogates *all* of them in general, either. The undersigned subscribes regularly to, and keeps collection of, its official publication, the *Acta Apostolicae Sedis*.

Hence, we are resolute in affirming that Canon 613, understood according to the authentic interpretation of December 30, 1937, remains in force. The inquirer can refer to the *Codigo de Derecho Canonico*, B.A.C. edition.

2. *Are there still reserved sins in the present legislation? Or is the sin of abortion still reserved to the Ordinary according to Canon 2350? If no longer, can any priest absolute such sin without special permission?*

Before answering the question directly, we deem it opportune to clarify briefly the concepts which seem to be not so precise in the context of the question.

One thing is the reservation of sins as to their absolution, and another thing is the reservation of the absolution censures, although it follows from this as a consequence that a person cannot be absolved from a determined sin.

The reservation of sin is a limitation or restriction of the power of absolution which is given to the confessor. He who incurs the punishment of excommunication and personal interdiction is deprived

of the use of sacraments. He cannot, therefore, be absolved from his sins unless he is first absolved from the censure. If the absolution of censures is reserved to determined Superiors, the confessor cannot absolve him from sin. Hence, it is usually said that the sin is reserved *ratione censurae*. But properly speaking, it is more of an impediment for absolution on the part of the penitent than of a limitation of the power of absolution on the part of the priest. It could happen that the censured might have previously received in the external forum the absolution from the censure, in which case any confessor can absolve him from the sin which was the cause of it. And it could also happen that in some particular case a grievous sin is punished with censures in the law; but this sin even if it remains grievous does not measure up to constitute a crime. In this case the confessor can absolve the sinner.

It must be borne in mind that although all ecclesiastical crime presupposes serious transgression of a penal law (cf. CC 2197, 2198, 2218 #2), not all the serious transgression of a penal law carries with it the incurring of punishment, since it can have causes which are exempt from it (cf. CC 2229, 2290).

Having clarified the concepts, we answer thus:

a) There is in the common canon law a sin reserved, in itself, to the Holy See. This is explained in Canon 894. Until now, this canon has not been derogated nor abrogated.

b) There still are not a few prevailing ecclesiastical censures which are reserved to different ecclesiastical superiors for absolution. Therefore, the absolution of sin is pending as long as the censure subsists. In particular, Canon 2350 is still in force. Consequently, without having obtained first from the Ordinary the faculty to absolve from the censure incurred (when it has been incurred), no priest can absolve the sin of securing abortion when the act intended has already been effected.

3. *If the penitent has been absolved inadvertently from the sin of abortion and a subsanatio or correction becomes necessary, how can one go about bringing this to the attention of the Bishop?*

Although the question speaks of absolution from the *sin of abortion*, we interpret that the inquirer understands the case as that in which the

excommunication reserved to the Ordinary has been incurred, and has been absolved, moreover, by the confessor who does not have the faculty to absolve the excommunication.

Let us suppose that the confessor, on absolving, used the formula of common ritual for absolution, which begins with absolution of censures in a general manner.

Under this interpretation and this supposition, we answer that there is nothing to correct (subsannare. Canon 2247 #3 says: *Si confessarius, ignorans reservationem, poenitentem a censura ac peccato absolvat, absolutio valet, dummodo ne sit censura ab homine aut censura specialissimo modo Sedi Apostolicae reservatae.*"

The excommunication incurred by the crime of abortion is reserved to the Ordinary. This disposition of Canon 2247 #3 is similar and is parallel to that of Canon 207 #2 which deals with the power of jurisdiction delegated for the internal forum. Its *raison d'être* is in the spiritual good of the penitent.

Bernabe Alonzo, O.P.

GENERAL NORMS OF THE ROMAN MISSAL AND OTHER MATTERS*

1. *What is the real meaning of the terms "ministers" and "sacred ministers" in number 27 of the General Norm of the Roman Missal?*

The "ministers" or "sacred ministers", according to the tenor of number 27 of the General Norm of the Roman Missal, are really the deacon and the subdeacon, those who "when they arrive at the presbytery . . . venerate the altar" and "as a sign of veneration kiss the same altar . . ." This is spoken of expressly about them in numbers 129 and 144 of the same General Norm.

* From the *Notitiae*, n. 52 (March 1970), p. 104.